



**CALIFORNIA STATE
PUBLIC WORKS BOARD**

ARNOLD SCHWARZENEGGER, GOVERNOR

915 L STREET ■ NINTH FLOOR ■ SACRAMENTO CA ■ 95814-3706 ■ (916) 445-9694

STATE PUBLIC WORKS BOARD
October 15, 2007

MINUTES

PRESENT:

Ms. Ann Sheehan, Chief Deputy Director, Department of Finance
Mr. Will Semmes, Chief Deputy Director, Department of General Services
Mr. Michael Miles, Deputy Director, Department of Transportation
Mr. Jim Lombard, Deputy Controller, State Controller's Office
Mr. Paul Rosenstiel, Deputy Treasurer, State Treasurer's Office

STAFF PRESENT:

Greg Rogers, Administrative Secretary
Brian Dewey, Assistant Administrative Secretary
Teresa Bierer, Assistant Administrative Secretary
Stan Hiuga, Analyst
Karen Finn, Assistant Administrative Secretary
Nathan Brady, Analyst
Andy Ruppenstein, Analyst
Jim Martone, Assistant Administrative Secretary
John Silva, Analyst
Stacey Sappington, Secretary

ALSO PRESENT:

Warren Westrup, Department of Parks and Recreation
Acquanetta Warren, State Park Commissioner
Beverly Blake, Allensworth Pals
Nettie Morrison, representing Allensworth Community Town Council
Victor Carter, Friends of Allensworth
Edmundo Cuevas, Legislative Consultant

CALL TO ORDER AND ROLL CALL:

Ms. Sheehan, Acting Chairperson of the SPWB and Chief Deputy Director of the Department of Finance, called the meeting to order at 10:04 a.m. Mr. Greg Rogers, Administrative Secretary for the State Public Works Board, called the roll. A quorum was established.

The first order of business was approval of the Minutes from the September 14, 2007 meeting.

A motion was made by Mr. Lombard and Second by Mr. Semmes to approve the minutes from the September 14, 2007 meeting.

The minutes were approved by a 5-0 vote.

BOND ITEMS:

Mr. Rogers reported that there are three Bond Items for consideration. Bond Item #1 is for the Department of General Services. The Project title is *Central Plant Renovation Project*. The

requested action would adopt a supplemental resolution authorizing actions to be taken to provide for interim financing and the sale of lease revenue bonds. Staff recommends adoption and approval of this item.

Mr. Semmes noted that this is a vital program and the new system will save a massive amount of energy.

There were no comments or questions from the public.

**A motion was made by Mr. Rosenstiel and Second by Mr. Semmes to approve Bond Item #1.
Bond Item #1 was approved by a 5-0 vote.**

Mr. Rogers reported that Bond Items #2 and #3 are both for the Department of Education. The Project titles are *California School for the Deaf, Career and Technical Education Complex and Service Yard* and *California School for the Deaf, Multipurpose/Activity Center* respectively. The requested actions would adopt supplemental resolutions authorizing actions to be taken to provide for interim financing and the sale of lease revenue bonds. Staff recommends adoption and approval of these items.

There were no comments or questions from the Board or the public.

**A motion was made by Mr. Rosenstiel and Second by Mr. Semmes to approve Bond Item #2 and #3 per staff's recommendation.
Bond Item #1 and #2 were approved by a 5-0 vote.**

CONSENT CALENDAR:

Mr. Rogers reported that the Consent Calendar covered items numbered 4 through 17. In summary these items proposed:

- 9 requests to approve preliminary plans [10,11,12,13,14,15,16,17] (with 1 of the requests to recognize anticipated deficit as well [4])
- 1 request to authorize site selection and acquisition [5]
- 1 request to authorize acceptance of real property and improvements thereon through a transfer of title [6,7,8]
- 1 request to authorize acquisition [9]

There is one 30-day letter for an action item which will be discussed later.

In summary staff recommended approval of the **Consent Calendar** consisting of Items numbered 4 through 17.

There were no comments or questions from the Board or the public.

**A motion was made by Mr. Semmes and Second by Mr. Miles to approve the Consent Calendar
The Consent Calendar was approved by a 5-0 vote.**

ACTION ITEMS

Mr. Rogers now moved onto the Action Items. There are three Action Items on the agenda. Action Item #18 is for the Department of Parks and Recreation, Colonel Allensworth State Historic Park, Etchegaray Property acquisition, in Tulare County. The requested action is to

consider authorizing the acquisition of a Land Use Restriction Easement for \$3.5 million. This item is being brought forward as an Action item to highlight this unique transaction.

The Board previously adopted a resolution that recognized the importance of the Colonel Allensworth State Historic Park and directed staff to work with Parks to find a solution to the detrimental effects of a proposed dairy operation on the Etchegarary property adjacent to this park. This acquisition is the product of these efforts and, if approved, will prevent the development of a confined livestock facility and other development projects on this property that could negatively impact the park.

The Department of General Services has approved an appraisal of this Easement with a value of approximately \$4.5 million which reflects the highest and best use of the property as fully entitled for dairy operations. However, this property is not fully entitled for the proposed dairy and it is not certain that the necessary entitlements could be secured. Specifically, Tulare County has approved a Special Use Permit for the dairy, but this permit and the supporting Environmental Impact Report are being challenged in Court. If successful, the property owners may be required to take additional actions to secure this permit. Two additional permits must also be obtained from the Air Resources Board and the Regional Water Quality Control Board, which will likely add costly design requirements to the project if approved.

Parks was unable to get an appraisal for the Easement as currently permitted due to the lack of comparable sales and the inherent difficulties of developing a definitive approach for discounting the property. Therefore, Parks negotiated with the property owner through an arm's length process that took into account the fully-entitled value of the easement as discounted for likely expenses the property owner would incur to obtain the necessary permits. Parks is confident that the \$3.5 million purchase price is an appropriate discount on the fully entitled value and a prudent use of public funds.

Mr. Warren Westrup, on behalf of State Parks (now with Yolo County) provided the Board with an overview of this project, including the historical value of the park, the great public benefit of acquiring this easement, and the methodology used to determine the discounted value of this property. This acquisition recognizes a fair and equitable settlement to a very difficult issue and he urged the Board's approval. Parks legal counsel was also available to answer any questions the Board might have.

Ms. Acquanetta Warren, City Council person from the City of Fontana and State Park Commissioner, said she is representing the Commissioners of the State Park Board today. She thanked everyone who has been involved with this process; the Board of Public Works, State Parks, and the dairy owner. She looks at this as the beginning of an era where children can learn the historical culture and appreciate California for the great State that it is.

Ms. Beverly Blake, with the Allensworth Pals, said it is quite fortunate that the black caucus stepped up and took this cause on in January 2006 with Deputy Attorney General, Tom Greene, who crafted Bill AB576. This is just the beginning to restore the park and the town. She looks forward to a united front in bringing forth the Colonel's original founding vision of Allensworth and urged the Board's support for this contract.

Nettie Morrison, Chair of the Community Council in Allensworth, said she appreciates the support that everyone has shown. She asked the Board to support the contract so that Allensworth can go forward.

Victor Carter, President of the Friends of Allensworth, said they support the Park and its development. Friends of Allensworth put on 5 events each year at the park. They are ecstatic about the agreement and look forward to it passing today.

Edmundo Cuevas, with the Office of Assemblyman Mike Davis, thanked all the parties involved in coming to this agreement. He encouraged the Board's support in preserving this historical landmark.

Ms. Sheehan complimented everyone who worked on this issue, especially the Etchegarays, the landowners, because it has not been an easy process. The art of compromise is that everybody came together and brought forth a solution for the betterment of all.

A motion was made by Mr. Semmes and Second by Mr. Miles to approve Action Item 18, the Acquisition of the Land Use Easement, consistent with the staff analysis.

Action Item 18 was approved by a 5-0 vote.

Mr. Rogers then spoke of Action Item #19, for the Department of General Services, Department of Toxics and Substance Controls, Project titled *Stringfellow-Riverside Mining Condemnation* in Riverside County. This item has been pulled from this month's agenda, because on Friday afternoon a letter from the landowner's attorney and staff was received and he has not had the opportunity to review the issues raised. Staff, as well as the Attorney General, will be responding to the letter and the Board will be notified as to when it will be brought back as an agenda item.

Mr. Rogers reported on Action Item #20, for the Department of Corrections and Rehabilitation's project titled, *Centinela State Prison, Wastewater Treatment Plan Upgrades* in Imperial County. The requested action is to establish project scope, cost, and schedule contingent upon expiration of a 30-day Legislative notification letter without comment. This letter was sent to the appropriate Legislative committees on September 26, 2007 and will expire on October 26, 2007. This project is brought to the Board's attention to highlight that this action's approval is contingent on the expiration of the 30-day notification period without comment. This contingent action is requested to ensure that the construction contract can be awarded prior to the award period expiring on November 1, 2007, which is prior to the Boards next regularly scheduled meeting.

There were no comments or questions from the Board or the public.

A motion was made by Mr. Semmes and Second by Mr. Miles to adopt the staff analyses.

Action Item 20 was approved by a 5-0 vote.

OTHER BUSINESS:

None.

REPORTABLES:

Mr. Rogers reported that there are **seven** reportable items for this month that staff have approved under authority delegated by the Board.

NEXT MEETING:

Mr. Rogers noted that the next meeting is set for Friday, November 9, 2007, at 10:00 a.m. at the State Capitol in Room 113. The Board members were advised that the time may be adjusted to accommodate Ms. Sheehan's schedule.

There were no comments or questions from the public before adjournment.

Ms. Sheehan adjourned the meeting at 10:40 a.m.

AGENDA AND STAFF ANALYSIS

**NOTICE OF MEETING
STATE PUBLIC WORKS BOARD
Monday
October 15, 2007**

The **STATE PUBLIC WORKS BOARD** will meet on **Monday October 15, 2007, at 10:00 a.m. in Room 113 in the State Capitol, Sacramento, California.** In accordance with provisions of Section 11125 of the Government Code, a copy of the Agenda is attached.

Greg Rogers
Administrative Secretary

Attachment

STATE PUBLIC WORKS BOARD

Monday
October 15, 2007
10:00 a.m.
Room 113

State Capitol
Sacramento, California

I. Roll Call

Michael C. Genest, Director, Department of Finance
Will Bush, Interim Director, Department of General Services
Will Kempton, Director, Department of Transportation
John Chiang, Controller, State Controller's Office
Bill Lockyer, Treasurer, State Treasurer's Office

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Patrick W. Henning, Director, Employment Development Department
(Advisory Member)

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Assembly Member, Legislative Advisor
Assembly Member, Legislative Advisor
Assembly Member, Legislative Advisor
Senator Darrell Steinberg, Legislative Advisor
Senator, Denise Ducheny, Legislative Advisor
Senator, Carole Migden, Legislative Advisor

II. Approval of minutes from the [September 14, 2007](#) meeting
Report on conditional approvals of last meeting.

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BOND ITEM

BOND ITEM – 1

DEPARTMENT OF GENERAL SERVICES (1760)
CENTRAL PLANT RENOVATION PROJECT
SACRAMENTO, SACRAMENTO COUNTY

*Authority: Chapter 157/03, Item 1760-301-0660(1)
as reappropriated by Chapters 38 and 39/05, Item 1760-490(2) and Chapters
171 and 172/07, Item 1760-490(1)
Chapters 171 and 172/07, Item 1760-301-0660(1)*

Adopt a supplemental resolution to:

1. Authorize the use of interim financing, to be repaid from the Public Buildings Construction Fund from the proceeds from the sale of bonds consistent with increased project authority.
2. Authorize the sale of the State Public Works Board Lease Revenue Bonds consistent with increased project authority.

Total Estimated Bond Authorization:

\$214,005,000

APPROVED 5/0

BOND ITEM

STAFF ANALYSIS ITEM – 1

Department of General Services
Central Plant Renovation Project
Sacramento, Sacramento County

Action requested

The requested action will adopt a supplemental resolution authorizing actions to be taken to provide for interim financing and the sale of lease revenue bonds.

Scope Description

This project is within scope. The Central Plant Renovation Project renovates, modernizes, and expands the existing Central Plant to meet the current and planned heating and cooling load growth for Capital Area. It expands the Plant to accommodate additional equipment such as chillers, boilers, pumps, piping, and other required ancillary equipment and includes the demolition of the existing gasifier building. New elements to be constructed include: thermal energy storage tank, cooling towers, and steam turbine distributed generation. Work at the plant includes modification of existing systems as required for the new equipment. Work includes

upgrading the energy management and control center. Additional work includes the decommissioning of the Ranney and Front Street wells. The Project also acquires any needed easements from the City of Sacramento. Redundancy of the major equipment pieces for maintenance, fuel flexibility, and reliability will be included in the project. The Project provides for the mitigation of the Central Valley Regional Water Quality Control Board (RWQCB) Cease and Desist Order.

Funding and Cost Verification

This project is within cost. Chapter 157/03, Item 1760-301-0660(1) appropriated \$159,722,000 for property acquisition, design and construction of the Central Plant Renovation Project. This amount was reappropriated by Chapters 38 and 39/05, Item 1760-490 (2) and Chapters 171 and 172/07, Item 1760-490(1). \$11,050,000 in acquisition savings was reverted per Executive Order C 05/06 – 107. Chapters 171 and 172/07, Item 1760-301-0660(1) provided a supplemental appropriation in the amount of \$82,734,000 for construction of the Central Plant Renovation Project.

\$242,456,000	total authorized project cost
\$214,005,000	total estimated project cost
\$9,049,000	project cost previously allocated: acquisition \$1,827,000, preliminary plans \$7,222,000
\$204,956,000	project cost to be allocated: construction \$204,956,000 (design-build contract \$181,000,000, contingency \$5,430,000, A&E and other costs \$18,526,000)
\$ 28,451,000	project savings: acquisition \$11,050,000, bid savings \$17,401,000

CEQA

On April 18, 2006, the Director of the Department of General Services certified the West Side Projects Environmental Impact Report (EIR), approved the on-site Central Plant Renovation Project alternative, and directed the filing of a Notice of Determination. The 30-day litigation period for this notice expired on May 19, 2006. In accordance with the provisions of the California Environmental Quality Act, the Department prepared an addendum to West Side Projects EIR confirming the selected design-build proposal is consistent with the findings of the EIR. On August 6, 2007, the Director of the Department of General Services certified the addendum to the EIR and directed the filing of a Notice of Determination. The 30-day litigation period for this notice expired on September 5, 2007.

Due Diligence

DGS Real Estate Services has completed the required real estate due diligence.

Project Schedule

The project schedule is as follows:

Approve preliminary plans:	May 2006
Complete working drawings:	May 2006
Complete construction:	April 2010

Staff Recommendation: **Adopt supplemental resolution**

BOND ITEM

BOND ITEM – 2

DEPARTMENT OF EDUCATION, STATE SPECIAL SCHOOLS (6110)
CALIFORNIA SCHOOL FOR THE DEAF, CAREER AND TECHNICAL EDUCATION
COMPLEX AND SERVICE YARD
RIVERSIDE COUNTY

*Authority: Chapters 38 and 39/05, Item 6110-301-0660 (1)
as reappropriated by Chapters 171 and 172/07, Item 6110-490 (2)
Chapters 171 and 172/07, Item 6110-301-0660 (2)*

Adopt a supplemental resolution to:

1. Authorize the use of interim financing to be repaid from the Public Buildings Construction Fund from the proceeds from the sale of bonds consistent with increased project authority.
2. Authorize the sale of the State Public Works Board Lease Revenue Bonds consistent with increased project authority.

Total Estimated Bond Authorization:

\$20,408,000

APPROVED 5/0

BOND ITEM

STAFF ANALYSIS ITEM – 2

Department of Education, State Special Schools
California School for the Deaf, Career and Technical Education Complex and Service Yard
Riverside County

Action Requested

The requested action will adopt a supplemental resolution authorizing actions to be taken to provide for interim financing and the sale of lease revenue bonds.

Scope Description

This project is within scope. This project will construct a new career technical education complex (23,727 SF), consisting of classrooms, offices, a kitchen, and indoor and outdoor dining areas, storage rooms, and training rooms for graphic arts, advertising art, information technology, drama, and a dark room. Project also includes a shop building (12,504 SF) that includes offices, storage rooms, an auto shop, paint booth, and teaching space for the construction trades and horticulture/landscaping. Also included is a greenhouse (200 SF), 10,000 SF service yard, parking for 71 vehicles, landscaping, utilities, walkways, site lighting, and demolition of the existing buildings including hazardous material removal and monitoring. Construction will be in two phases.

Funding and Cost Verification

This project is within cost.

\$16,563,000 total authorized project cost

\$20,408,000 total estimated project cost

\$959,000 project cost previously allocated: preliminary plans

\$19,449,000 project cost to be allocated: working drawings \$1,043,000, construction \$18,406,000 (contract \$15,345,000, contingency \$767,000, A&E services \$2,294,000)

CEQA

A Notice of Determination was filed on April 2, 2007 at the State Clearinghouse, and the waiting period expired May 2, 2007.

Project Schedule

The project schedule is as follows:

Approve preliminary plans:	May 2007
Complete working drawings:	June 2008
Complete construction:	August 2010

Due Diligence Status

Due Diligence process was completed June 7, 2007 with 6 Exceptions – none of which negatively impact the Project Area.

Other

Project will seek LEED Silver certification

Staff Recommendation: Adopt supplemental resolution

BOND ITEM

BOND ITEM – 3

**DEPARTMENT OF EDUCATION, STATE SPECIAL SCHOOLS (6110)
CALIFORNIA SCHOOL FOR THE DEAF, MULTIPURPOSE / ACTIVITY CENTER
RIVERSIDE, RIVERSIDE COUNTY**

*Authority: Chapter 157/03, Item 6110-301-0660 (1)
as reappropriated by Chapter 208/04, Item 6110-490 (1) and
Chapters 38 and 39/05, Item 6110-490 (1) and
Chapters 171 and 172/07, Item 6110-490 (1)
Chapters 171 and 172/07 Item 6110-301-0660 (1)*

Adopt a supplemental resolution to:

1. Authorize the use of interim financing to be repaid from the Public Buildings Construction Fund from the proceeds from the sale of bonds consistent with increased project authority.
2. Authorize the sale of the State Public Works Board Lease Revenue Bonds consistent with increased project authority.

Total Estimated Bond Authorization:

\$9,245,000

APPROVED 5/0

BOND ITEM

STAFF ANALYSIS ITEM – 3

Department of Education, School for the Deaf-Riverside
Multi-Purpose / Activity Center
Riverside County

Action requested

The requested action will adopt a supplemental resolution authorizing actions to be taken to provide for interim financing and the sale of lease revenue bonds.

Scope Description

This project is within scope. This project will provide for the construction of a new Multipurpose / Activity Center (16,775 GSF) at the Riverside School for the Deaf. The facility can be converted for indoor sporting events and performing arts. Features include performance stage, restrooms, office space, bleachers, movable partitions and storage rooms. Site work includes modifications to existing road to site, landscaping and utilities.

Funding and Cost Verification

This project is within cost.

\$9,245,000	total authorized project cost
\$9,245,000	total estimated project cost
\$637,000	project cost previously allocated: preliminary plans \$252,000, working drawings \$385,000
\$8,608,000	project cost to be allocated: construction \$8,608,000 (contract \$7,390,500, contingency \$369,000 contracts, A&E \$848,500)

CEQA

A Notice of Exemption/Determination was filed with the State Clearinghouse on April 20, 2004 and the waiting period expired on May 20, 2004.

Project Schedule

The project schedule is as follows:

Approve preliminary plans:	August 2004
Complete working drawings:	December 2005
Complete construction:	November 2008

Due Diligence Status

Due Diligence process was completed February 7, 2005 with 7 Exceptions – none of which negatively impact the Project Area.

Staff Recommendation: Adopt supplemental resolution

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CONSENT ITEM

CONSENT ITEM – 4

**JUDICIAL COUNCIL OF CALIFORNIA (0250)
ADMINISTRATIVE OFFICE OF THE COURTS (AOC)
B.F. SISK FEDERAL COURTHOUSE RENOVATION
FRESNO COUNTY**

AOC Facility Number 10-O1, DGS Parcel No. 10423

Authority: Trial Court Facilities Act of 2002, Chapter 1082/02, commencing with Section 70301 of the Government Code, as amended and Chapters 47 and 48/06, Item 0250-301-3037(1.2)

- a. Approve preliminary plans
- b. Recognize anticipated deficit **\$9,571,000**
(15.6 percent total project cost)

APPROVED 3/0

CONSENT ITEM

STAFF ANALYSIS ITEM – 4

Administrative Office of the Courts
Judicial Council of California
B.F. Sisk Federal Courthouse Renovation

Action Requested

The requested action will approve preliminary plans and recognize an anticipated deficit for this project.

Scope Description

The project is within scope. The authorized scope of the project is to acquire 3.232 acres of land and the existing B.F. Sisk Federal Courthouse of 191,886 square feet located in the City of Fresno. The B.F. Sisk Federal Courthouse will be renovated into sixteen (16) courtrooms primarily used for family and civil law cases by the Superior Court of California, County of Fresno.

Funding and Cost Verification

This project is not within cost. Original construction cost of \$50,289,000 was estimated using an escalation rate of 5 percent per year to the start and midpoint of construction. The proposed design development documents construction cost, estimated by the cost estimating consultant and escalated to the midpoint of construction, indicates a construction cost estimate of \$59,860,000. This increase is due to escalation rates higher than the 5 percent per year originally used. During the same period actual escalation rates per year were and are projected to be (1) January '06 through December '06 at 12 percent, (2) January '07 through December '07 at 10 percent, (3) January '08 through December '08, and (4) January '09 to midpoint of construction of March '09 at 8 percent. Further, the project was delayed one year caused by the Federal General Services Administration's (GSA) inability to convey the building to the state as

quickly as originally planned due to continued Federal occupancy of the building. The resulting construction shortfall is approximately \$9,571,000 and represents 15.6 percent of the total project budget, or \$61,327,000. This increase in construction cost is not a result of changes or additions to the original project scope and in order to decrease the estimated construction cost of the project, significant scope modifications would have to be considered jeopardizing the usefulness of the facility by the court and not realizing the true potential of the existing building.

During the Preliminary Plans Phase, schematic design renovation alternatives were prepared and evaluated by Office of Court Construction and Management (OCCM), the commissioned architect, and their consulting engineering firms. It became clear that the initial concept of completely demolishing and rebuilding the interior of the building (saving some mechanical components, the exterior envelope, and structure of the building) was not feasible within the appropriated budget. Therefore, a renovation strategy was selected that achieved the greatest savings as well as maintained the required program of 16 courtrooms. The approach was to retain three large courtrooms on the fifth floor of the building and, with minimal disruption to the fifth floor, bring the floor up to fire/life safety and accessibility standards as required. The cost consultant for the project provided a comprehensive cost analysis of the approach and has demonstrated significant cost savings of approximately \$4,500,000 compared to the initial renovation concept. In addition, a value engineering study was completed in which an additional saving of approximately \$2,900,000 was identified without impacting the required scope or functional characteristics of the building. However, even by retaining the fifth floor courtrooms of the building and carefully value engineering the design, the anticipated project cost remains over the appropriated construction budget in the amount of approximately \$9,571,000.

Therefore, the AOC is seeking a recognized anticipated deficit for the construction phase with this PWB action.

\$61,327,000 total authorized project cost

\$70,898,000 total estimated project cost

\$3,470,000 project cost previously allocated for preliminary plans

\$57,857,000 project cost to be allocated: working drawings \$4,468,000, construction \$53,389,000 (contract \$46,999,000, contingency \$3,290,000, A&E \$935,000, other \$2,165,000)

\$9,571,000 anticipated deficit for construction

Project Schedule

The project schedule is as follows:

Approve preliminary plans	October 2007
Complete working drawings	March 2008
Complete construction:	February 2010

Staff Recommendation:

a.	Approve preliminary plans
b.	Recognize anticipated deficit

CONSENT ITEM

CONSENT ITEM – 5

JUDICIAL COUNCIL OF CALIFORNIA (0250)
NEW PORTOLA / LOYALTON COURTHOUSE
PLUMAS COUNTY
AOC Facility No. 32-B2, DGS Parcel Number 10459

Authority: Chapters 47 and 48/06, Item 0250-301-3037(2)

- a. **Approve site selection**
- b. **Authorize acquisition consistent with staff analysis**

APPROVED 3/0

CONSENT ITEM

STAFF ANALYSIS ITEM – 5

Judicial Council of California
New Portola / Loyalton Courthouse
Plumas County

Action requested

The requested action will authorize site selection and acquisition for this project.

Scope Description

This project is within scope. This request will authorize the site selection and acquisition of approximately two acres of vacant land being offered to the Judicial Council of California (JCC), Administrative Office of the Courts (AOC), by a local developer located at the corner of Gulling Street and Woodbridge Road in Portola, California. The project provides for the acquisition of land and the construction of a new one-courtroom courthouse designed to serve both Sierra and Plumas counties. The new courthouse will serve as a potential model for the construction of other “shared” or cross-jurisdictional court facilities.

The one-courtroom courthouse is programmed as a single story, approximately 6,500 square foot building with adjacent parking. This property was selected because of its accessibility to both Highway 70 and to downtown Portola. The proposed site will be in close proximity to other governmental buildings/institutions and to County justice partners such as the Sheriff, District Attorney, Public Defender, Probation and Social Services. Furthermore, the property will be able to meet site programming needs of the AOC to accommodate the proposed courthouse with appropriate parking.

Funding and Cost Verification

This project is within cost. Chapters 47 and 48/06, Item 0250-301-3037(2) provides funding for this acquisition of fee simple interest. The property is being donated by a local developer and the only costs associated with this acquisition are support costs. The property can be acquired with the funds available and in accordance with Legislative intent.

\$6,600,000	total authorized project cost
\$6,600,000	total estimated project cost
\$1,052,000	project cost previously allocated: acquisition \$437,000, preliminary plans \$269,000, working drawings \$346,000
\$5,548,000	projects cost to be allocated: construction (contract \$4,803,000, contingency \$2221,000, A&E \$219,000, other \$305,000)

CEQA

An initial study was prepared for this project pursuant to the provisions of CEQA and a Mitigated Negative Declaration was made as a condition of the approval of the project. A mitigation monitoring plan was adopted for the project, and it was determined that the project will not have a significant effect on the environment. The JCC as lead agency approved the project on June 29, 2007. A Notice of Determination was filed with the State Clearinghouse on July 3, 2007, and the 30-day statute of limitation expired on August 2, 2007.

Project Schedule

The project schedule is as follows:

Acquisition approval	August 2007
Approve preliminary plans	March 2008
Complete working drawings	October 2008
Complete construction	February 2010

Condition of Property

On January 27, 2007, Department of General Services (DGS), Environmental Services Section (ESS) staff conducted a site inspection of the proposed New Portola/Loyalton Courthouse site. The proposed site in Portola, California is in a commercial-mixed use area bordered by the high school athletic field to the immediate west and facing a city park across Gulling Street to the northeast. Undeveloped land is to the east and south of this property. The approximately two acre unimproved property lies at an elevation of 4,891 feet and consists of forty to fifty feet tall Jeffrey pine trees, eight to eighteen inches in diameter, along with mule ears, sagebrush, bitter brush, mountain whitethorn, and squaw carpet. There is a slight north facing slope to the property. There are several eight feet wide dirt roads that run through the property and may be used by off-highway vehicles. The exact location of the property lines was not determined during this visit. Woodbridge road is a "paper" road in that it may be a dirt road on or near the easterly property line. Near this dirt road there was a "Woodbridge tentative map" attached to a tree, with the tree marked in white paint, "USA", for utilities locations. There was also another tree nearby marked "USA".

At the approximate location of the westerly property line there are many rusted cans and other older debris on and buried in the frozen ground. A Final Initial Study and Mitigated Negative Declaration prepared for the project in May, 2007 indicated that this trash site has been extensively looted and does not meet the definition of a "unique archaeological resource." Therefore, this trash and other scattered trash throughout the property should be removed. Behind this area is a tree house that should also be removed. Near the front of the property near this boundary line is a twelve foot by three foot hole with a 2" by 2" wooden post sticking out of the hole. There is also a two foot by three foot by 4 inch piece of concrete in the hole. The concrete piece and wooden post should be removed and the hole filled in.

Prior to the site visit by ESS staff, a consultant provided a draft preliminary summary for this proposed acquisition base upon a site visit conducted on December 18, 2006. This inspection did indicate that there was some scattered trash and debris along the eastern border. The consultant subsequently collected additional data on the property and completed a final Phase 1 Environmental Site Assessment (ESA) in May 2007 and the assessment did not identify or observe environmental concerns at the property. Based upon the Environmental Services Section staff property inspection, and the final ESA, there are no recognized environmental concerns that would preclude development of this property.

Other:

- The Office of Courts Construction Management staff received approval of the site from the Interim Court Facilities Panel of the Judicial Council on June 30, 2006.
- The site has been offered to the AOC for the purchase price of \$1.00 by a local developer with the understanding that it will be used specifically for the construction of a courthouse to serve the Plumas and Sierra County courts.
- The property is vacant and unimproved.
- There is no relocation assistance involved with this project.
- There is no implied dedication involved with this project.
- The Grant Deed and Real Property Acquisition Agreement ("Agreement") include a reservation that the Grantor will retain a right of reversion with respect to the property if the AOC does not achieve the commencement of construction on the property by December 1, 2012. In the event that the AOC does not achieve commencement of construction on the

property by December 1, 2012, due to either weather conditions or a delay in the approval and adoption of the State Budget, then the Grantor will not be entitled to exercise its right of reversion under the Grant Deed and Agreement unless the AOC does not achieve the commencement of construction on the property by May 1, 2013.

- The Acquisition Agreement does not include the State's standard environmental indemnification language. Based upon the DGS-ESS site visit to the property and review of the ESA, it does not appear that there are any environmental conditions that would pose exceptional risk to the State.
- Funding for this proposed project was contingent upon the SB1732 transfer of responsibility, or responsibility and title, for the existing Portola Court Facility to the State. Transfer of responsibility from the County of Plumas to the State occurred in April 4, 2006.

Staff Recommendation: Approve site selection and authorize acquisition

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CONSENT ITEM

CONSENT ITEM – 6

JUDICIAL COUNCIL OF CALIFORNIA (0250)
ADMINISTRATIVE OFFICE OF THE COURTS (AOC)
WILEY W. MANUEL COURTHOUSE
ALAMEDA COUNTY
AOC Facility Number 01-B3, DGS Parcel No. 10490

Authority: Trial Court Facilities Act of 2002, Chapter 1082/02, commencing with Section 70301 of the Government Code, as amended

Authorize the acceptance of real property and improvements thereon through a transfer of title

APPROVED 3/0

CONSENT ITEM

STAFF ANALYSIS ITEM – 6

Administrative Office of the Courts
Wiley W. Manuel Courthouse, AOC Facility Number 01-B3
County of Alameda

Action Requested

The requested action will authorize the acceptance of real property and improvements thereon through a transfer of title

Scope Description

This transaction is within scope. The County of Alameda ("County") is transferring fee title in and to the court facility commonly known as the Wiley W. Manuel Courthouse, located at 661 Washington St., Oakland, California ("Court Facility"), to the State of California ("State") on behalf of the Judicial Council of California ("Council"), Administrative Office of the Courts ("AOC"), pursuant to that certain Transfer Agreement Between the Judicial Council of California, Administrative Office of the Courts and the County of Alameda for the Transfer of Responsibility for Court Facility, dated June 27, 2007 ("Transfer Agreement"). The Court Facility consists of approximately 1.562 acres of real property improved with a six-story building, a basement, reserved parking lot, and associated landscaping. Following the no-cost of transfer of title, the AOC shall be responsible for the funding and operation of the Court Facility.

Funding and Cost Verification

This transaction is within cost. The County shall not be entitled to compensation for any equity value in the square footage occupied by the Superior Court in the Court Facility pursuant to SB 1732 (Escutia), Chapter 1082, Statutes of 2002, Section 1(d)(6). The only costs associated with acceptance of this no-cost acquisition are the staff costs to process the acceptance.

CEQA

A Notice of Exemption was filed with the State Clearinghouse on May 15, 2007, and the 35-day statute of limitations period expired on June 19, 2007.

Project Schedule

The project schedule is as follows:

The anticipated date of close of escrow is late October 2007.

Condition of Property

The AOC, staff agency to the Council, was responsible for conducting a site visit to the Court Facility site on January 30, 2007; for contracting for the professional services of an environmental professional for the Phase I Environmental Site Assessment (Phase 1); for the building assessment; and for the seismic assessment. The following findings were made from the combined resources identified above:

Phase I:

A Phase I report was completed on May 31, 2007, by Earth Tech, in accordance with the American Society for Testing and Materials Standard Practice for Environmental Site Assessments: Phase I (E-1527-00) (ASTM 2000). The Phase I includes an evaluation of significant environmental, health, and safety conditions impacting the interior and exterior of the Court Facility. In preparing the Phase I, a visual inspection of the Court Facility was performed in order to detect any apparent hazardous conditions in, on, or about the Court Facility, and the

historical uses of the real property were reviewed. No onsite or offsite Recognized Environmental Condition ("REC") has been identified for this site.

The Phase 1 acknowledges that the facility is known to contain asbestos within the building materials. EMCOR Facility Services ("EFS") is a facilities management company that will be operating/managing the property after transfer of title. EFS will create an asbestos management plan for this building. The Phase I also noted presence of one above ground storage tank storing hydraulic fluid for the service elevator, and two 50-gallon capacity day tanks storing diesel fuel for the emergency generator. There is an onsite emergency generator requiring two 10,000-gallon capacity, fiberglass single-wall underground storage tanks ("USTs"), which were installed in 1979; these USTs are monitored by a Veeder Root leak detection alarm system. Earth Tech's recommendation is to monitor the permit conditions and management practices to prevent spills or accidental release. Post transfer of title, EFS will have day to day oversight of management practices at this facility to prevent any spills.

Building Assessment:

Staff from the AOC's Office of Court Construction and Management conducted a site visit of the Court Facility on January 30, 2007, to assess the general condition of the property. The site visit entailed a tour of the facility and surrounding property including a review of the real property for apparent conditions that could adversely impact the habitability or safety of the property; identification of furnishings, fixtures, and equipment transferred or conveyed by the County to the State; and to identify any tenancies, encroachments, apparent easements, or other occupancy rights or use of the property that might be vested in parties other than the County or the Court. The Office of Court Construction and Management concluded that the Court Facility did not contain any apparent hazards to the health and safety of the occupants or property.

Seismic Safety Assessment of the Improvements:

In January 2007 the AOC completed a seismic evaluation of the building as required by Government Code section 70327. Based on that evaluation, by Rutherford & Chekene Consulting Engineers with peer review by Wiss Janney Elstner Associates, Inc., the building has been assigned a seismic safety rating of Seismic Risk Level IV. It is therefore seismically eligible for transfer of title to the state without the additional requirements of either Government Code section 70324(a) or Government Code section 70326(c).

Other

- The State may refuse to accept responsibility for the Court Facility only if (a) the Court Facility contains one or more "deficiencies," as defined at Government Code Section 70326(b), and (b) the county and the AOC have not made provision for the correction of the deficiencies as part of the Transfer Agreement, pursuant to Section 70326(c) or Section 70327(d) of the Government Code. Neither of these situations exists.
- The County adopted a Resolution on June 26, 2007, approving the Transfer Agreement to transfer title and responsibility of the Court Facility to the State. The Resolution also authorized the Chairman and the Director of DGS to execute the documents necessary for the transfer of responsibility and title of the Court Facility to the AOC.
- The Transfer Agreement requires that delivery of title to the property be free and clear of any mortgages or liens. Concurrently with the transfer of title to the Court Facility, the AOC will purchase an owner's policy of title insurance for the Court Facility.
- The County has agreed to indemnify the AOC for any liability imposed on the AOC pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. Sec. 9601 et seq.), or related provisions for conditions at the time of transfer whether known or not known that existed in, on, or under the real property during the period of their ownership.
- The AOC is not aware of any lawsuits pending concerning the property.
- The Transfer Agreement specifies that following the closing date:
 - (1) County will continue to (a) provide electrical power and natural gas through the shared meters at the County's Dyer Detention Facility; (b) be solely responsible

and liable for the Central Plant and Solar Panels; (c) offer telephone services; and (d) provide hot/chilled water when requested by the Managing Party designated by the AOC.

- (2) AOC grants the County with non-exclusive rights to access the Solar Panels to meet its obligations so long as the County continues to own and operate the Solar Panels.
 - (3) AOC will be responsible for the operation of the Common Area, including the Building equipment.
 - (4) County will at all times retain its contractual or legal obligations to provide secure transport of prisoners to and from the Court Facility by means of the Glenn Dyer Bridge. The contractual or legal obligations will remain in effect regardless of whether the County decides to discontinue the bridge's use permanently or temporarily.
 - (5) With respect to the Glenn Dyer and Broussard Bridges, the County will retain exclusive liability, maintenance and repair of the bridges; and the AOC grants to the County all rights to enter, exit, access and use to portions of the bridges as required for their maintenance and operation. If the County requests, on or before the closing date, an easement onto either or both bridges for access to and use of portions of the bridges; the AOC has agreed to execute an easement(s) for this purpose.
- The Superior Court occupies 85.6 percent of the Court Facility and County occupies the remaining 14.4 percent.
 - In accordance with SB1732, there is adequate parking for the Court Facility. The Transfer Agreement provides that the County will provide a total of 31 parking spaces for use by judges and court staff. Additional provisions for parking spaces have also been granted pursuant to an Agreement between the County General Service Agency and the Court dated February 18, 2005.
 - There are no historic issues associated with the Court Facility.

Staff Recommendation: **Authorize the acceptance of real property and improvements thereon through a transfer of title**

CONSENT ITEM

CONSENT ITEM – 7

JUDICIAL COUNCIL OF CALIFORNIA (0250)
ADMINISTRATIVE OFFICE OF THE COURTS (AOC)
JURY ASSEMBLY
SANTA BARBARA COUNTY
AOC Facility Number 42-G1, DGS Parcel No. 10487

Authority: Trial Court Facilities Act of 2002, Chapter 1082/02, commencing with Section 70301 of the Government Code, as amended.

Authorize the acceptance of real property and improvements thereon through a transfer of title

APPROVED 3/0

CONSENT ITEM

STAFF ANALYSIS ITEM – 7

Administrative Office of the Courts
Jury Assembly, AOC Facility Number 42-G1
Santa Barbara County

Action Requested

The requested action will authorize the acceptance of real property and improvements thereon through a transfer of title

Scope Description

This transaction is within scope. The County of Santa Barbara ("County") is transferring fee title in and to the court facility commonly known as the Jury Assembly building, located at 1108 Santa Barbara Street, Santa Barbara, California ("Court Facility"), to the State of California ("State") on behalf of the Judicial Council of California ("Council"), Administrative Office of the Courts ("AOC"), to comply with the Trial Court Facilities Act of 2002. The transfer of the Court Facility is pursuant to that certain Transfer Agreement Between the Judicial Council of California, Administrative Office of the Courts and the County of Butte for the Transfer of Responsibility and Title for Court Facility, dated June 26, 2007 ("Transfer Agreement"). The Court Facility consists of approximately 0.1573 acres of real property improved with a two-story building and associated landscaping. Following the no-cost transfer of title, the AOC shall be responsible for the funding and operation of the Court Facility.

Funding and Cost Verification

This transaction is within cost. The County shall not be entitled to compensation for any equity value in the square footage occupied by the Superior Court in the Court Facility pursuant to SB 1732 (Escutia), Chapter 1082, Statutes of 2002, Section 1(d)(6). The only costs associated with acceptance of this no-cost acquisition are the staff costs to process the acceptance.

CEQA

A Notice of Exemption was filed with the State Clearinghouse on December 8, 2006, and the 35-day statute of limitations period expired on January 12, 2007.

Project Schedule

The project schedule is as follows:

The anticipated date of close of escrow is approximately November 1, 2007.

Condition of Property

The AOC, staff agency to the Council, was responsible for conducting a site visit to the Court Facility site on July 26, 2005 and March 16, 2007 and for contracting for the professional services of an environmental professional for the Phase I Environmental Site Assessment (Phase 1). The following findings were made from the combined resources identified above:

Phase I:

A Phase I report was completed in August 2005, by Levine Fricke (LFR) in accordance with the American Society for Testing and Materials Standard Practice for Environmental Site Assessments: Phase I (E-1527-00) (ASTM 2000). The Phase I includes an evaluation of significant environmental, health, and safety conditions impacting the interior and exterior of the Court Facility. In preparing the Phase I, a visual inspection of the Court Facility was performed

to detect any apparent hazardous conditions in, on, or about the Court Facility, and the historical uses of the real property were reviewed.

The Phase I Report cited the following:

- There are currently no known aboveground storage tanks or underground storage tanks at the site;
- Based on the date of building's construction, the likelihood of the existence of asbestos containing materials or lead-based paints is highly unlikely;
- No historical activities at the site were of an environmental concern; however the Court Facility is in proximity of off-site adjacent properties that include a service station and dry cleaning business. The migration of volatile organic compound (VOC) concentrations created by these businesses can affect the groundwater. The possible migration from the VOCs can affect the indoor air quality within the Court Facility's site structures, LFR recommended the completion of an indoor air evaluation to detect the presence of VOCs.

Building Assessment:

Staff from the AOC's Office of Court Construction and Management conducted a site visit of the Court Facility on July 26, 2005, to assess the general condition of the property. The site visit entailed a tour of the facility and surrounding property including a review of the real property for apparent conditions that could adversely impact the habitability or safety of the property; identification of furnishings, fixtures, and equipment that the County will transfer and convey to the State along with the real property; and to identify any tenancies, encroachments, apparent easements, or other rights to occupy or use the property that might be vested in parties other than the County or the Court. The Office of Court Construction and Management concluded that the Court Facility did not contain any apparent hazards to the health and safety of the occupants or property. On March 16, 2007 staff from the AOC's Office of Court Construction and Management conducted a second site visit to confirm that there had not been any change in condition of the property during the interim period.

Exemption from Seismic Safety Assessment:

Due to the age of this building (constructed in 1997) this facility was exempted from a Tier I seismic safety assessment and was given a seismic safety rating of Level IV, as defined in the Risk Acceptability Table of the State Building Seismic Program, developed by the Division of State Architect, April 1994, which is an acceptable seismic safety rating for the transfer of the title to the Court Facility to the State under Government Code Section 70327.

Other

- The State may refuse to accept responsibility for the Court Facility only if (a) the Court Facility contains one or more "deficiencies," as defined at Government Code Section 70326(b), and (b) the county and the AOC have not made provision for the correction of the deficiencies as part of the Transfer Agreement, pursuant to Section 70326(c) or Section 70327(d) of the Government Code. Neither of these situations exists.
- On June 26, 2007, the County approved the Transfer Agreement which transfers title and responsibility of the Court Facility to the State. The Transfer Agreement also authorized the Chairman and the Director of DGS to sign the necessary documents in connection with the transfer.
- The Transfer Agreement requires that delivery of title to the property be free and clear of any mortgages or liens. Concurrently with the transfer of title to the Court Facility, the AOC will purchase an ALTA Owner's Policy of Title Insurance for the Court Facility.
- The AOC is not aware of any lawsuits pending concerning the property.
- The terms of the Transfer Agreement state that the County will continue to offer its telecommunication services (the LIM system) to the State. Effective as of the closing, the AOC grants the County rights of ingress, egress and access to all parts of real property that serves the LIM system. The County will continue to have sole and exclusive responsibility and obligation for its continued operation, use, maintenance, expansion, replacement and repair.

- The Transfer Agreement specifies that if the Court Facility property is declared surplus by the State, the County requests that the AOC offer the surplus Court Facility to the County at fair market value before offering it to any other State or local governmental agency.
- The County has agreed to indemnify the AOC for any liability imposed on the AOC pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. Sec. 9601 et seq.), or related provisions for conditions at the time of transfer whether known or not known that existed in, on, or under the real property during the period of their ownership.
 - The Superior Court occupies the entire facility; therefore, the County is not entitled to any compensation.
 - To address a recommendation in the Phase I to test the air quality for the presence of possible VOCs, ERM-West, Inc. performed an indoor air sampling at the Court Facility. A determination was made as to whether there were any signs of VOCs present on the site. A report was issued on September 20, 2007, which concluded VOC detections in the indoor samples were low and comparable to those in ambient air and did not warrant further attention. The report also noted the presence of benzene and PCE, however both substances were reported within the USPEC acceptable risk range.
 - In accordance with SB1732, there is adequate parking for the Court Facility. The Agreement provides that the County will provide a total of 81 parking permits in a nearby County owned parking lot for the continued use by jurors and Court staff.
- There are no historic issues associated with the Court Facility.

Staff Recommendation: **Authorize the acceptance of real property and improvements thereon through a transfer of title**

CONSENT ITEM

CONSENT ITEM – 8

JUDICIAL COUNCIL OF CALIFORNIA (0250)
ADMINISTRATIVE OFFICE OF THE COURTS (AOC)
CHICO COURTHOUSE
BUTTE COUNTY
AOC Facility Number 04-D1, DGS Parcel No. 10488

Authority: Trial Court Facilities Act of 2002, Chapter 1082/02, commencing with Section 70301 of the Government Code, as amended.

Authorize the acceptance of real property and improvements thereon through a transfer of title.

APPROVED 3/0

CONSENT ITEM

STAFF ANALYSIS ITEM – 8

Administrative Office of the Courts
Chico Courthouse, AOC Facility Number 04-D1
Butte County

Action Requested

The requested action will authorize the acceptance of real property and improvements thereon through a transfer of title

Scope Description

This transaction is within scope. The County of Butte ("County") is transferring fee title in and to the court facility commonly known as the Chico Courthouse, located at 655 Oleander Avenue, Chico, California ("Court Facility"), to the State of California ("State") on behalf of the Judicial Council of the California ("Council"), Administrative Office of the Courts ("AOC"), pursuant to that certain Transfer Agreement Between the Judicial Council of California, Administrative Office of the Courts and the County of Butte for the Transfer of Responsibility and Title for Court Facility, dated June 26, 2007 ("Transfer Agreement"). The Court Facility consists of approximately 1.267 acres of real property improved with a one-story building, parking lots, and associated landscaping. Following the no-cost of transfer of title, the AOC shall be responsible for the funding and operation of the Court Facility.

Funding and Cost Verification

This transaction is within cost. The County shall not be entitled to compensation for any equity value in the square footage occupied by the Superior Court in the Court Facility pursuant to SB 1732 (Escutia), Chapter 1082, Statutes of 2002, Section 1(d)(6). The only costs associated with acceptance of this no-cost acquisition are the staff costs to process the acceptance.

CEQA

A Notice of Exemption was filed with the State Clearinghouse on May 15, 2007, and the 35-day statute of limitations period expired on June 19, 2007.

Project Schedule

The project schedule is as follows:

The anticipated date of close of escrow is November 1, 2007.

Condition of Property

The AOC, staff agency to the Council, was responsible for conducting a site visit to the Court Facility site on October 25, 2006; for contracting for the professional services of an environmental professional for the Phase I Environmental Site Assessment (Phase 1); for the building assessment; and for the seismic assessment. The following findings were made from the combined resources identified above:

Phase I:

A Phase I report was completed in February 2007, by Earth Tech in accordance with the American Society for Testing and Materials Standard Practice for Environmental Site Assessments: Phase I (E-1527-00) (ASTM 2000). The Phase I includes an evaluation of significant environmental, health, and safety conditions impacting the interior and exterior of the Court Facility. In preparing the Phase I, a visual inspection of the Court Facility was performed

to detect any apparent hazardous conditions in, on, or about the Court Facility, and the historical uses of the real property were reviewed.

Although the Report cites no other recognized environmental conditions (REC) with respect to the subject site, it does mention the existence of six UST sites within a 0.5 mile radius of the courthouse, none of which were considered to rise to the level of REC.

Building Assessment:

Staff from the AOC's Office of Court Construction and Management conducted a site visit of the Court Facility on October 25, 2006, to assess the general condition of the property. The site visit entailed a tour of the facility and surrounding property including a review of the real property for apparent conditions that could adversely impact the habitability or safety of the property; identification of furnishings, fixtures, and equipment that the County will transfer and convey to the State along with the real property; and to identify any tenancies, encroachments, apparent easements, or other rights to occupy or use the property that might be vested in parties other than the County or the Court. The Office of Court Construction and Management concluded that the Court Facility did not contain any apparent hazards to the health and safety of the occupants or property.

Seismic Safety Assessment of the Improvements:

ATT Degenkolb Engineers, Inc. licensed structural engineers, performed a Tier I seismic safety assessment of the building located in the Court Facility in October 2003, and inspected and evaluated the Court Facility for seismic safety in accordance with the method and criteria developed by the Department of General Services' Real Estate Services Division. This seismic evaluation of the Court Facility was then peer-reviewed by other qualified engineers.

The AOC determined that the building has a seismic safety rating of Level V, as defined in the Risk Acceptability Table of the State Building Seismic Program, developed by the Division of State Architect, April 1994. The building is transferring to the state pursuant to the provisions of Government Code section 70324 (SB 10) which provides that the county shall be responsible for any seismic-related damage and injury, the county shall indemnify, defend, and hold the state harmless from those claims.

Other

- The County adopted a Minute Order on June 26, 2007, approving the Transfer Agreement to transfer title and responsibility of the Court Facility to the State, and authorizing the Chairman to sign the Transfer Agreement, Grant Deed, and other documents related to the transaction, and the Director of the Department of General Services to execute any other documents necessary for the transfer of responsibility and title to the Court Facility to the AOC.
- The Transfer Agreement requires that delivery of title to the property would be free and clear of any mortgages or liens. Concurrently with the transfer of title to the Court Facility, the AOC will purchase an owner's policy of title insurance for the Court Facility from the title company.
- The County has agreed to indemnify the AOC for any liability imposed on the AOC pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), or related provisions for conditions at the time of transfer whether known or not known that existed in, on, or under the real property during the period of their ownership.
- The terms of the Transfer Agreement state that the County will continue to maintain, and the State will have uninterrupted use of and access to the Building Software and hardware that operates it. Additionally, the County will continue to offer its telecommunication services to the State, which is a part of the County's LIM system. Effective as of the closing, the AOC grants the County rights of ingress, egress and access to all parts of real property to which the any component or subcomponent of connection to LIM is located.
- The AOC is not aware of any lawsuits pending concerning the property.

- The Superior Court occupies the entire facility; therefore, the County is not entitled to any compensation.
- In accordance with SB1732, there is adequate parking for the Court Facility. The Court Facility includes a total of 38 unsecured, above-ground parking spaces, including one handicapped parking space.
- There are no historic issues associated with the Court Facility.

Staff Recommendation: **Authorize the acceptance of real property and improvements thereon through a transfer of title**

CONSENT ITEM

CONSENT ITEM – 9

DEPARTMENT OF GENERAL SERVICES (1760)
DEPARTMENT OF PARKS AND RECREATION (3790)
AUBURN STATE RECREATIONAL AREA, POINTED ROCKS RANCH
EL DORADO COUNTY
DGS Parcel Number 10478, DPR Parcel Number 3184

*Authority: Chapters 38 and 39/05, Item 3790-301-0890(1)
Chapter 379/02, Item 3790-301-6029(6)
as re-appropriated by Chapters 38 and 39/05, Item 3790-491-6029(6)*

Authorize acquisition consistent with staff acquisition

APPROVED 3/0

CONSENT ITEM

STAFF ANALYSIS ITEM – 9

Department of General Services
Department of Parks and Recreation
Auburn State Recreation Area, Pointed Rocks Ranch
El Dorado County

Action requested

The requested action will authorize acquisition for this project.

Scope Description

This project is within scope. The Legislature has approved funding for the purchase of interests in lands that meet criteria established for a Federal Trust Fund Acquisition Program, without specifying particular parcels. This request will authorize the acquisition of fee simple interest of approximately 377 acres as an addition to the Auburn State Recreation Area at less than the property's fair market value.

The Pointed Rocks property offers undeveloped land which contains blue oak woodland, mixed oak woodland, black oak woodland and Ponderosa Pine. The unique biological communities of the North Fork American River watershed provide high quality and diverse habitat for a number of species, including sensitive, threatened, and endangered wildlife species. In addition, the property has several public outdoor recreational opportunities. The Western States National Recreation Trail traverses the area and hosts internationally recognized competitive running and equestrian events. With the exception of the Western States Trail, which is accessible through an arrangement with the landowners, the land is currently in private ownership and is not accessible to the public. Protection of the Pointed Rocks property would ensure public access along the Western States Trail in perpetuity.

Funding and Cost Verification

This project is within cost. Chapter 038/05, Item 3790-301-0890(1), and Chapter 379-02,

Item 3790-301-6029(6) as re-appropriated by Chapter 038/05, Item 3790-491-6029(6) will cover overhead costs for this acquisition. The purchase of the property will be accomplished through funding from the Land and Water Conservation Fund (LWCF) Federal Grant program.

\$505,000	total estimated project costs
\$15,000	project costs previously allocated (DGS staff costs for appraisal and acquisition review)
\$490,000	project costs to be allocated (\$480,000 for acquisition and \$10,000 for title and escrow fees)

CEQA

A Notice of Exemption/Determination was filed with the State Clearinghouse on October 14, 2005, and the statute of limitations expired on November 19, 2005.

Project Schedule

The project schedule is as follows:

The anticipated close of escrow is October, 2007.

Condition of Property

Department of General Services (DGS), Environmental Services Section (ESS) Staff conducted a site inspection of the Pointed Rocks, Auburn State Recreation Area property on July 24, 2007. The approximately 377 acre property is located in El Dorado County south of Auburn near the town of Cool. Access to the property is immediately west of Highway 49. The property consists of four contiguous El Dorado County assessor parcels. The property is also contiguous to Bureau of Reclamation property that is located within the Auburn State Recreation Area. The Western States Trail runs through the property and the Warner Drainage, a riparian zone, runs through the property in a north/south direction. Property access is restricted to horseback riding and hiking and there is a trail network with signage through the property.

Vegetation consists of blue, valley, black, canyon live, and poison oak species, grey and ponderosa pine species, Douglas fir, bay trees, woods rose, star thistle, wild grape, worm wood, and in the drainages, buckeye, big leaf maple, and other riparian species. The southern edge of the property is more open with grasses and oaks.

A Phase 1 Environmental Site Assessment was completed in June 2007, in conformance with ASTM Standard E 1527-05 and no recognized environmental conditions were noted during that property inspection. DGS, ESS staff found no environmental concerns and the proposed acquisition would be managed as part of the Auburn State Recreation Area.

Other:

- On September 14, 2007, the State Public Works Board authorized site selection for this project.
- The purchase price shall not exceed the estimated fair market value of the property as determined by a DGS approved appraisal.
- The appraiser acknowledged that there may be some public prescriptive rights connected with the equestrian/hiking trails on the property. However, it is the appraiser's opinion that because of the size of the parcels likely to be allowed by the County, the existence of these trails does not adversely impact the value of the property.
- There is no relocation assistance involved with this project.
- The S.H. Cowell Foundation is the current owner of the property. The nonprofit organization Trust for Public Land (TPL) will acquire the property through the exercise of an option agreement from S.H. Cowell and then convey the property to DPR at less than fair market value in a back-to-back transaction.

- TPL has received a grant from the Sierra Nevada Cascade Program for \$1,000,000 administered by The Resources Agency to purchase the property from the Cowell Foundation. The Sierra Nevada grant funds are to be used for acquisition of land to protect water quality in lakes, reservoirs, rivers, streams and wetlands. Pursuant to the transfer of the property from TPL to DPR, DPR will assume the obligations imposed by the Grant Agreement ("Agreement"). There are no obligations imposed by the Grant that conflict with DPR's use of the property.
- TPL will record concurrently with close of escrow, a Memorandum of Unrecorded Grant Agreement giving public notice that TPL has received funds under the Agreement in order to assist them in acquiring the property and that they agree to the terms of the Agreement.
- DPR will purchase the property from TPL through a grant from the Federal Land and Water Conservation Fund. The federal funds will be deposited into the Federal Trust Fund for the purchase of the land. Overhead for the project will be funded from Proposition 40.
- The Federal Land and Water Conservation Fund grant requires that the property be used for public outdoor recreation. In order to convert the property to non-outdoor recreation, the State would have to identify substitute park lands of an equal or greater fair market value and recreation utility. Also, the property cannot be converted to other than public outdoor recreational use without the written approval of the Director of DPR, the Director of the National Park Service, and/or the Secretary of the Interior.
- The DPR is not aware of any lawsuits pending concerning the property. The Property Acquisition Agreement (PAA) will require delivery of title to the property free and clear of any mortgages or liens.
- This acquisition will provide the public with outdoor recreational opportunities, while also protecting natural and cultural resources.
- The DPR does not foresee changes at this time to public access, development, or resource needs, any such changes will be addressed through the normal budget process.

Staff Recommendation: Authorize acquisition

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CONSENT ITEM

CONSENT ITEM – 10

DEPARTMENT OF GENERAL SERVICES (1760)
CALIFORNIA DEPARTMENT OF CORRECTION AND REHABILITATION (5225)
CALIFORNIA MEDICAL FACILITY, VACAVILLE, INMATE HOUSING WINGS U, V, & T,
STRUCTURAL RETROFIT
SOLANO COUNTY

Authority: Chapters 47 and 48/06, Item 1760-301-0001(2)

Approve preliminary plans

APPROVED 3/0

CONSENT ITEM

STAFF ANALYSIS ITEM – 10

Department of General Services
California Department of Corrections and Rehabilitations
California Medical Facility, Vacaville, Inmate Housing Wings U, V, & T, Structural Retrofit
Solano County

Action Requested

The requested action will approve preliminary plans for this project.

Scope Description

This project is within scope. The project consists of a “Structural Only” retrofit. Architectural, mechanical, electrical and hazardous material costs are limited to incidental work to enable the structural retrofit only. This project is to upgrade the seismic resistance of housing wings U, V and T which comprises approximately 63,700 square feet. The seismic work entails adding exterior concrete buttresses to the sides of each wing with steel drag collectors anchored to designated walls in several cells. Steel columns are to be added in the dayroom areas. Related work includes upgrading a men’s and women’s toilet room in the Admin Building for ADA compliance as well as possible asbestos and lead abatement work as required. This building currently has a Risk Level of V, however upon completion of the project, the three wings should have a Risk Level of III.

Funding and Cost Verification

This project is within cost. The construction costs have significantly decreased based on more detailed design analysis allowing for a reduction in the retrofit solution. The total project cost decreased by 63 percent.

\$4,594,500 total authorized project cost

\$4,594,500 total estimated project cost

\$463,000 project cost previously allocated: study \$60,000, preliminary plans \$403,000

\$4,131,500 project cost to be allocated: working drawings \$688,000, construction \$3,443,500
(contract \$1,697,700, contingency \$118,800, A&E costs \$1,007,000, guarding costs \$620,000)

CEQA

A Notice of Exemption was filed with the State Clearinghouse on August 30, 2007, and the 35-day statute of limitations will expire on October 4, 2007.

Due Dilligence

Due diligence was conducted by the Department of General Services on September 25, 2007, confirming ownership, jurisdiction and concluding title to the property is clear of defects, for the Inmate Housing Wings T, U and V at the California Medical Facility Vacaville.

Project Schedule

The project schedule is as follows:

Approve preliminary plans:	October 2007
Complete working drawings:	March 2009
Complete construction:	April 2010

Staff Recommendation: Approve preliminary plans

CONSENT ITEM

CONSENT ITEM – 11

DEPARTMENT OF GENERAL SERVICES (1760)
DEPARTMENT OF CORRECTIONS AND REHABILITATION (5225)
CALIFORNIA CORRECTIONAL INSTITUTION, TEHACHAPI, BUILDING H, CHAPELS
FACILITY, STRUCTURAL RETROFIT
KERN COUNTY

Authority: Chapters 47 and 48/06, Item 1760-301-0001(7)

Approve preliminary plans

APPROVED 3/0

CONSENT ITEM

STAFF ANALYSIS ITEM – 11

Department of General Services
Department of Corrections and Rehabilitation
California Correctional Institution, Tehachapi, Building H, Chapels Facility, Structural Retrofit
Kern County

Action Requested

The requested action will approve preliminary plans for this project.

Scope Description

This project is within scope. The project consists of a “Structural Only” retrofit. Architectural, mechanical, electrical and hazardous material costs are limited to incidental work to enable the structural retrofit only. The seismic retrofit and related access compliance work will be on this building, which is composed of two chapels and a multi-purpose room. Construction includes the installation of anchors to improve connection between the walls and roof and infill windows to improve the concrete shear wall condition. Building “H” is currently assigned Risk Level V and after the retrofit, it will be reduced to a Risk Level III. There will be minimum user impact during construction.

Funding and Cost Verification

This project is within cost.

\$2,293,000 total authorized project cost

\$2,293,000 total estimated project cost

\$195,000 project cost previously allocated: study \$35,000, preliminary plans \$160,000

\$2,098,000 project cost to be allocated: working drawings \$ 200,000, construction
\$1,898,000 (contract \$980,300, contingency \$68,600, A&E \$558,700, guarding
costs \$290,400)

CEQA

A Notice of Exemption was filed with the State Clearinghouse on August 31, 2007, and the 35-day statute of limitations will expire on October 5, 2007.

Due Diligence

Due diligence was conducted by the Department of General Services on September 25, 2007, confirming ownership, jurisdiction and concluding title to the property is clear of defects, for the Chapel Buildings at the California Correctional Institution Tehachapi.

Project Schedule

The project schedule is as follows:

Approve preliminary plans:	October 2007
Complete working drawings:	March 2009
Complete construction:	February 2010

Staff Recommendation: Approve preliminary plans

CONSENT ITEM

CONSENT ITEM – 12

DEPARTMENT OF GENERAL SERVICES (1760)
DEPARTMENT OF CORRECTIONS AND REHABILITATION (5225)
CALIFORNIA CORRECTIONAL CENTER, SUSANVILLE, VOCATIONAL BUILDING F,
STRUCTURAL RETROFIT
LASSEN COUNTY

Authority: Chapters 47 and 48/06, Item 1760-301-0001(4)

Approve preliminary plans

APPROVED 3/0

CONSENT ITEM

STAFF ANALYSIS ITEM – 12

Department of General Services
Department of Corrections and Rehabilitation
California Correctional Center, Susanville, Vocational Building F, Structural Retrofit
Lassen County

Action Requested

The requested action will approve preliminary plans for this project.

Scope Description

This project is within scope. The project consists of a “Structural Only” retrofit. Architectural, mechanical, electrical and hazardous material costs are limited to incidental work to enable the structural retrofit only. This project will upgrade the seismic resistance of this building which has a floor space of approximately 39,000 square feet. The seismic work entails the addition of steel braced frames at several locations in the interior and additional anchorage of the roof deck to the exterior walls. Additional work involves replacement of the roof, upgrading of two toilet rooms for ADA compliance, and door hardware replacement for ADA compliance as well as possible asbestos and lead abatement work as required. The proposed project will seismically upgrade the Maintenance/Vocational Building F from Risk Level V to Risk Level III.

Funding and Cost Verification

This project is within cost.

\$6,469,000 total authorized project cost

\$6,469,000 total estimated project cost

\$193,000 project cost previously allocated: study \$50,000, preliminary plans \$143,000

\$6,276,000 project cost to be allocated: working drawings \$331,000, construction \$5,945,000 (contract \$3,650,800, contingency \$255,600, A&E \$1,412,900, guarding costs \$625,700)

CEQA

A Notice of Exemption was filed with the State Clearinghouse on August 30, 2007, and the 35-day statute of limitations will expire on October 4, 2007.

Due Diligence

Due diligence was conducted by the Department of General Services on September 25, 2007, confirming ownership, jurisdiction and concluding title to the property is clear of defects, for the Maintenance/Vocational Building F at the California Correctional Center Susanville.

Project Schedule

The project schedule is as follows:

Approve preliminary plans:	October 2007
Complete working drawings:	March 2009
Complete construction:	December 2010

Staff Recommendation: Approve preliminary plans

CONSENT ITEM

CONSENT ITEM – 13

DEPARTMENT OF FORESTRY AND FIRE PROTECTION (3540)
STATEWIDE FOREST FIRE STATIONS, CONSTRUCT FOREST FIRE STATIONS
VARIOUS COUNTIES

Authority: Chapter 38/05, Item 3450-301-0660 (4)

Approve preliminary plans

APPROVED 3/0

CONSENT ITEM

STAFF ANALYSIS ITEM – 13

Department of Forestry and Fire Protection
Statewide Forest Fire Stations, Construct Forest Fire Stations
Various Counties

Action requested

The requested action will approve preliminary plans for this project.

Scope Description

This project is within scope. The approved project authorizes the construction of six Forest Fire Stations (FFS). Standard CDF prototypical bed barracks/messhall buildings, apparatus buildings, flammable storage buildings, dozer sheds, administration buildings, fueling facility, upgrade water, electrical, septic and LPG services, demolition of existing buildings, grading and site work; utilities; paving; landscaping; and all appurtenances will be constructed at Bridgeville, Weott, Cloverdale, Booneville, Nevada City and Colfax.

Funding and Cost Verification

This project is not within cost. The Budget Act of 2005 provides a total of \$36,704,000 in lease revenue bonds for preliminary plans, working drawings and construction. This project is currently within budget for the working drawings phase, however, the estimate for the construction phase indicates a 5.5 percent additional need.

\$40,288,000 total estimated project costs

\$36,704,000 total authorized project costs

\$ 2,657,000 project costs previously allocated: preliminary plans

\$37,631,000 project costs to be allocated: working drawings \$1,849,000; construction \$35,782,000 (\$29,920,100 contract, \$1,496,000 contingency, \$4,365,700 A&E and other project costs, and \$228,000 for agency retained items)

\$ 3,584,000 estimated deficit

CEQA

A Notice of Determination was filed with the State Clearinghouse and the waiting period has expired.

Project Schedule

The project schedule is as follows:

Approve preliminary plans:	October 2007
Approve working drawings:	October 2008
Complete Construction:	April 2010

Due Diligence

The Department of General Services will prepare a Summary of Conditions Memo during the preliminary plan phase.

Staff Recommendation: Approve preliminary plans

CONSENT ITEM

CONSENT ITEM – 14

UNIVERSITY OF CALIFORNIA (6440)
ENGINEERING II LIFE SAFETY IMPROVEMENTS AND ADDITION
SANTA BARBARA CAMPUS, SANTA BARBARA COUNTY

Authority: Chapter 171/07, Item 6440-301-6048 (15)

Approve preliminary plans

APPROVED 3/0

CONSENT ITEM

STAFF ANALYSIS ITEM – 14

University of California, Santa Barbara
Engineering II Life Safety Improvements and Addition
Santa Barbara County

Action requested

The requested action will approve preliminary plans for this project.

Scope Description

This project is within scope. The Engineering II Life Safety Improvements and Addition project consists of two components: The Addition component will construct a 19,875 outside gross square foot (ogsf) addition to the existing Engineering II Building to provide 13,567 assignable square feet (asf) of instructional, research and office space for the College of Engineering. Included within the 13,567 asf is approximately 5,060 asf (campus funded addition that was included as a May 1 Technical Adjustment in the 2007 Budget) to increase the size of the building addition to further support the campus' Solid State Lighting and Display Program and to meet the higher construction costs identified during design. The construction will include the necessary building connections between the addition and the existing building, where an additional 1,659 asf of vacated classroom space will be renovated for offices. The Life Safety component of the project will provide the existing 133,400 ogsf building with an integrated fire alarm and fire sprinkler system that meets current California Building and Fire Safety Codes.

Funding and Cost Verification

This project is within cost.

\$15,375,000 total authorized project costs: \$5,000,000 (State funds); \$10,375,000 (campus funds)
\$15,375,000 total estimated project costs
\$515,000 project costs previously allocated: preliminary plans -- \$515,000 (campus funds)
\$14,860,000 project costs to be allocated: working drawings -- \$ 200,000 (State funds), \$518,000 (campus funds); construction -- \$ 4,800,000 (State funds), \$9,130,000 (campus funds); equipment -- \$212,000 (campus funds)

CEQA

The University certifies that the project is in compliance with the requirements of CEQA.

Due Diligence

University of California (UC), on behalf of the Regents of the UC, is vested with the authority for management of the property for the benefit of the university and acknowledges that they have full responsibility for reviewing and clearing due diligence title issues for general obligation bond funded projects.

Project Schedule

The project schedule is as follows:

Approve working drawings:	January 2008
Complete construction:	October 2009

Staff Recommendation: Approve preliminary plans

CONSENT ITEM

CONSENT ITEM – 15

CALIFORNIA COMMUNITY COLLEGES (6870)
HARTNELL COMMUNITY COLLEGE DISTRICT, CENTER FOR APPLIED TECHNOLOGY
HARTNELL COLLEGE, MONTEREY COUNTY

Authority: Chapters 47 and 48/06, Item 6870-303-6049 (6)

Approve preliminary plans

APPROVED 3/0

CONSENT ITEM

STAFF ANALYSIS ITEM – 15

California Community Colleges
Hartnell Community College District, Center for Applied Technology
Hartnell College, Monterey County

Action Requested

The requested action will approve preliminary plans.

Scope Description

This project is within scope. The authorized project constructs a 40,000 assignable square feet (asf) applied technology building on the college's east campus. Design refinements during preliminary plans have resulted in minor adjustments from the approved scope, as follows: lecture, 7,559 asf (+359 asf), laboratory, 25,153 asf (-487 asf); office, 3,423 asf (+343 asf); library, 1,549 asf (+49 asf); AVTV 1,202 asf (-258 asf); and meeting rooms, 966 asf (-154 asf), for a total of 39,852 asf (-148 asf). The scope also includes site development and the demolition of the Vocational Technology Building on the West Campus.

Funding and Cost Verification

This project is within cost.

\$27,695,000 total estimated project costs

\$27,695,000 total authorized project costs

\$373,000 state project costs previously allocated: preliminary plans \$373,000

\$13,475,000 state project costs to be allocated: working drawings \$507,000; construction \$11,422,000 (\$10,346,000 contracts, \$517,000 contingency; \$559,000 administration, testing, inspection) and equipment \$1,546,000

\$373,000 local funds previously allocated: preliminary plans \$373,000

\$13,474,000 local funds to be allocated: working drawings \$508,000; construction \$11,382,000 (\$10,306,000 contracts, \$516,000 contingency, \$560,000 administration, testing, inspection) and equipment \$1,584,000

CEQA

A Notice of Exemption (SCH 2007081086) was submitted and the public comment period has expired.

Due Diligence

Community college districts are local entities and the state does not have title to their real property, hence districts acknowledge that they have full responsibility for clearing due diligence issues for general obligation bond projects.

Project Schedule

The project schedule is as follows:

Approve preliminary plans: Oct 2007

Complete construction: October 2009

Staff Recommendation: Approve preliminary plans

CONSENT ITEM

CONSENT ITEM – 16

**CALIFORNIA COMMUNITY COLLEGES (6870)
LOS RIOS COMMUNITY COLLEGE DISTRICT, FINE ARTS BUILDING MODERNIZATION
SACRAMENTO CITY COLLEGE, SACRAMENTO COUNTY**

Authority: Chapters 47 and 48/06, Item 6870-301-6049 (9)

Approve preliminary plans

APPROVED 3/0

CONSENT ITEM

STAFF ANALYSIS ITEM – 16

California Community Colleges
Los Rios Community College District, Fine Arts Building Modernization
Sacramento City College, Sacramento County

Action Requested

The requested action will approve preliminary plans.

Scope Description

This project is within scope. The authorized project demolishes the Fine Arts Building and Portable 25, and constructs on the footprint of the Fine Arts Building 11,020 asf. Design refinements during preliminary plans have resulted in minor adjustments from the approved scope, as follows: laboratory, 8,252 asf (+424 asf), office, 1,722 asf (-462 asf), and arts display/gallery, 1,050 asf (+42 asf), for a total of 11,024 asf (+4 asf).

Funding and Cost Verification

This project is within cost.

\$8,631,000 total estimated project costs

\$8,631,000 total authorized project costs

\$69,000 state project costs previously allocated: preliminary plans \$69,000

\$4,773,000 state project costs to be allocated: working drawings \$54,000; construction \$4,719,000 (\$4,719,000 contracts)

\$392,000 local funds previously allocated: preliminary plans \$392,000

\$3,397,000 local funds to be allocated: working drawings \$303,000; construction \$2,772,000 (\$1,945,000 contracts, \$333,000 contingency, \$494,000 administration, testing, inspection) and equipment \$322,000

CEQA

A Notice of Exemption (SCH 2007068185) was submitted and the public comment period has expired.

Due Diligence

Community college districts are local entities and the state does not have title to their real property, hence districts acknowledge that they have full responsibility for clearing due diligence issues for general obligation bond projects.

Project Schedule

The project schedule is as follows:

Approve preliminary plans: Oct 2007

Complete construction: January 2010

Staff Recommendation: Approve preliminary plans

CONSENT ITEM

CONSENT ITEM – 17

**CALIFORNIA COMMUNITY COLLEGES (6870)
MT. SAN JACINTO COMMUNITY COLLEGE DISTRICT, GENERAL CLASSROOM
BUILDING
MENIFEE VALLEY CENTER, RIVERSIDE COUNTY**

Authority: Chapters 47 and 48/06, Item 6870-301-6049 (10)

Approve preliminary plans

APPROVED 3/0

CONSENT ITEM

STAFF ANALYSIS ITEM – 17

California Community Colleges
Mt. San Jacinto Community College District; General Classroom Building
Meniffee Valley Center, Riverside County

Action Requested

The requested action will approve preliminary plans.

Scope Description

This project is within scope. The authorized project constructs a new 22,200 asf general classroom building. Design refinements during preliminary plans have resulted in minor adjustments from the approved scope, as follows: lecture, 7,947 asf (+347 asf); laboratory, 8,456 asf (+56 asf); office, 1,979 asf (-21 asf); library, 891 asf (-109 asf); other, 2,832 asf (-368 asf) for a total of 22,105 asf (-95 asf), an overall change of .4% from the approved scope.

Funding and Cost Verification

This project is within cost.

\$14,067,000 total estimated project costs

\$14,067,000 total authorized project costs

\$455,000 state project costs previously allocated: preliminary plans \$455,000

\$13,612,000 state project costs to be allocated: working drawings \$470,000; construction \$11,899,000 (\$10,767,000 contracts, \$538,000 contingency, \$594,000 administration, testing, inspection) and equipment \$1,243,000

CEQA

A Notice of Exemption (SCH 2006128132) was submitted and the public comment period has expired.

Due Diligence

Community college districts are local entities and the state does not have title to their real property, hence districts acknowledge that they have full responsibility for clearing due diligence issues for general obligation bond projects.

Project Schedule

The project schedule is as follows:

Approve preliminary plans: Oct 2007

Complete construction: July 2009

Staff Recommendation: Approve preliminary plans

ACTION ITEM

ACTION ITEM – 18

DEPARTMENT OF GENERAL SERVICES (1760)
DEPARTMENT OF PARKS AND RECREATION (3790)
COLONEL ALLENSWORTH STATE HISTORIC PARK, ETCHEGARAY PROPERTY / LAND
USE RESTRICTION EASEMENT
TULARE COUNTY
DPR Parcel Number 014557, DGS Parcel Number 10483

Authority: Chapters 171 and 172/07, 3790-301-6051(3.7)

Authorize acquisition of a Land Use Restriction Easement consistent with staff analysis

APPROVED 3/0

ACTION ITEM

STAFF ANALYSIS ITEM – 18

Department of General Services (DGS)
Department of Parks and Recreation (DPR)
Colonel Allensworth State Historic Park-Etchegaray Property
Land Use Restriction Easement

Action requested

The requested action is to consider authorizing the acquisition of a Land Use Restriction Easement consistent with the staff analysis.

Scope Description

This project is within scope. The Legislature has approved funding for the purchase of interests in lands for addition to the State Park System, consistent with Proposition 84, without specifying particular parcels. If approved, this request will authorize the acquisition of a Land Use Restriction Easement (the Easement), on 2,691.83 acres of land owned by a private party (Property Owner) in Tulare County. The property that is the subject of the Easement is adjacent to Colonel Allensworth State Historic Park (CASHP).

The Easement terms specifically restrict, in perpetuity (provided CASHP remains as a functional State Park), locating on the subject property any type of confined livestock facility, as specified in Sections 122.23(b)(1) and 122.23(b)(2) of Title 40 of the Code of Federal Regulations. The Easement also restricts any development that contributes significant amounts of noise, odor, or visual impact detrimental to the public enjoyment of the CASHP, and further prohibits the construction of any non-agricultural structures above 30 feet in height on the subject property to protect the viewshed at CASHP.

CASHP has been described as a “significant jewel” of the State Park System. CASHP is a nationally-registered historic site honoring a pioneering African-American settlement founded by a former slave. The small farming community was founded in 1908 by Colonel Allensworth and others dedicated to improving the economic and social status of African Americans. Created in 1976, CASHP preserves the town founded by Colonel Allensworth as an agricultural haven for other former slaves and sharecroppers in the Central Valley. Today, CASHP serves as an inspiration to people of all races, and particularly to the African-American community, as an

example of how the members of this community were able to triumph over racial and economic discrimination. In addition to hosting day visitors and the operation of 15 campsites, CASHP hosts several events annually, such as the yearly rededication, Old Time Jubilee, Juneteenth, and Black History Month. These special events average between 800 to 3,000 visitors.

The current Property Owners were taking steps to develop and operate two large-scale dairies on the subject property. The confined livestock facility portions of the dairies were planned to be located slightly more than one mile from CASHP. Livestock waste disposal could have occurred within several hundred feet of CASHP. The planned development of the dairies could present significant adverse impacts to the visitors of the CASHP, including the nuisance from vectors, flies, and odors.

In light of this proposed development, the Department of Parks and Recreation (the Department) believes the acquisition of this Easement is essential to preserve the historic nature of the park for future generations and, thus, provides significant public benefit. The acquisition also meets the Department's guidelines for Cultural Landscapes by preserving the natural historic farming use of the property surrounding CASHP.

Funding and Cost Verification

This project is within cost. Chapters 171 and 172, Statutes of 2007, 3790-301-6051(3.7), provide \$15,000,000 for State Park System Opportunity and In-holding Acquisitions. The property interest can be acquired with the funds available and in accordance with Legislative intent.

\$3,525,000 total estimated project costs

 \$10,000 project costs previously allocated: appraisal review and due diligence

\$3,515,000 project costs to be allocated: acquisition \$3,500,000 and fees \$15,000

CEQA

A Notice of Exemption was filed with the State Clearinghouse on July 12, 2007, and the 35- day statute of limitations expired on August 16, 2007.

Project Schedule

The project schedule is as follows:

The anticipated close of escrow is October 2007, but may be extended up to one year depending upon the timing associated with the owner's option for a 1031 exchange.

Background Information

- Since 1985, the state has spent over \$9.4 million for reconstruction, restoration, furnishings, and infrastructure covering an extensive listing of historic structures at CASHP. These projects included betterments such as: the expansion of a maintenance facility, road improvements, utility improvements, burial of power lines, development of an interpretive plan, and the reconstruction and restoration of numerous structures that are central to the historical significance of CASHP.
- Since 1972 to the present, the Department has acquired over 947 acres of land, at a cost of \$1.4 million in an effort to preserve and protect CASHP, and such acquisitions continue today. State Parks is in the process of acquiring approximately 78 acres situated immediately south of CASHP that will provide a buffer to the southerly border of the park.
- The current Property Owners believed there was substantial value to their family to be able to operate the proposed dairies on their property. The Property Owners had secured a Special Use Permit from and have an Environmental Impact Report (EIR) certified by Tulare County, lead agency under the California Environmental Quality Act, for the dairies.
- Although Tulare County has certified the EIR and approved the Special Use Permit for the dairy operations, three separate lawsuits, including one by the State Attorney General's Office, have been filed challenging the certification of the EIR and approval of the Special Use Permit. These lawsuits essentially contend that the EIR was not completed properly and that it does not adequately address the effects of the proposed dairy operations on the CASHP, such as the contamination of aquifers and air pollution from waste lagoons.
- Due to the legal challenges associated with the dairy operations, there is a level of uncertainty that the dairy could be developed as currently proposed. However, even if the EIR is eventually rejected and the Special Use Permit is deemed invalid, the Property Owners would likely have other opportunities to submit a new or revised EIR and re-apply for a Special Use Permit. Therefore, while the above legal issues do add a level of uncertainty to the Property Owners' ability to develop the property, it is not unreasonable to assume that a dairy operation in some form could eventually be developed.
- An appraisal approved by the Department of General Services (DGS) determined that the value of this type of land use restriction easement to be \$4,485,000, assuming a valid Special Use Permit is secured and the Property Owners obtain both Air Resource Board (ARB) and Regional Water Quality Control Board (RWCB) permits required to operate dairies. Based on initial comments received from the local permitting agencies, obtaining the ARB and RWCB permits will likely add design requirements (mitigation measures), such as improved waste storage facilities and the installation of air pollution prevention equipment, which could increase construction costs significantly.
- Although the Property Owners have not yet secured the necessary permits and there is some uncertainty as to the cost or feasibility of developing the proposed dairy facility, the Department believes that the negotiated purchase price of \$3,500,000 for the Easement reflects an appropriate discount on the value of property as currently entitled and does not exceed fair market value.
- The private appraisal firm that determined the value of the easement (as fully permitted) indicated that they were unable to find any comparable land sales of properties that were partially permitted and further stated that they were unable to develop a definitive approach to determine a discount factor to apply to the subject easement as partially permitted. Therefore, the purchase price was negotiated through an arm's length process that took into account the DGS-approved valuation as fully permitted, a number of public benefit factors, the property owner's current expenditures and future anticipated costs in defending ongoing legal challenges, in hiring various consultants to address CEQA and permitting issues, and potential costs associated with the likely mitigation requirements that would be tied to the Air and Water Board permits. Given all of these factors the price that was negotiated is believed to be a fair and equitable value for both the Property Owner and the State.
- The Department believes that the purchase of the Easement is further justified when taking into consideration the significant public benefit of preserving this park; the

Easement not only will preserve the historical value of CASHP but will also ensure that future citizens visiting CASHP will be able to enjoy the historical value without the many nuisances associated with large-scale dairy operations. Given the historical significance of this park and the resources committed to preserving and protecting this asset, it is reasonable to assume that the public benefit far exceeds the cost of this Easement.

- The Department's legal counsel has reviewed this transaction and has concluded that given the public benefits achieved through the acquisition that the purchase price is an appropriate expenditure of public funds.
- The acquisition of this Easement will assist CASHP's ongoing preservation efforts, and may help resolve the pending litigation related to this matter (litigation to which State Parks is not a party).
- There is no implied dedication associated with the subject property.
- There are no anticipated costs for future staffing, operating, and maintenance.

Staff Recommendation: Authorize acquisition consistent with the staff analysis

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ACTION ITEM

ACTION ITEM – 19

DEPARTMENT OF GENERAL SERVICES (1760)
DEPARTMENT OF TOXIC AND SUBSTANCES CONTROL (3960)
STRINGFELLOW-RIVERSIDE MINING CONDEMNATION
RIVERSIDE COUNTY
DTSC001, DGS PARCEL NUMBER 10034

AUTHORITY: Chapter 50/99, Item 3960-001-0001
Chapter 52/00, Item 3960-001-0001
Chapter 106/01, Item 3960-490 (2)
Chapter 157/03, Item 3960-490 (1)
Chapter 58/05, Item 3960-490 (1)
Chapters 47 and 48/06 Item 3960-0490 (1); Section 15854 Government Code

ITEM PULLED

ACTION ITEM

STAFF ANALYSIS ITEM – 19

Department of General Services
Department of Toxic Substances Control
Stringfellow-Riverside Mining
Riverside County

ITEM PULLED

ACTION ITEM

ACTION ITEM – 20

**DEPARTMENT OF CORRECTIONS AND REHABILITATION (5225)
CENTINELA STATE PRISON, WASTEWATER TREATMENT PLANT UPGRADES
IMPERIAL, IMPERIAL COUNTY**

*Authority: Chapters 38 and 39/05, Item 5225-301-0001 (14)
Chapters 47 and 48/06, Item 5225-301-0001 (20)
Chapter 7/07, Section 28(a), Assembly Bill 900*

Establish project scope, cost, and schedule contingent upon expiration of the 30-day notification period to the Joint Legislative Budget Committee without comment

ACTION ITEM

STAFF ANALYSIS ITEM – 20

Department of Corrections and Rehabilitation
Centinela State Prison, Wastewater Treatment Plant Upgrades
Imperial, Imperial County

Action Requested

The requested action will establish the scope, cost, and schedule for this project contingent upon the expiration of the 30-day notification period to the Joint Legislative Budget Committee without comment.

Scope Description

The project is within scope. The approved project will provide new headworks with prescreening structure and coarse mechanical bar screen for removal of large solids from the wastewater, fine screening to reduce the volume of small plastics that pass through the coarse screen into the treatment ponds, an influent pump station to lift wastewater from the collection system into the treatment ponds, and new aerators and flow transfer structures between the ponds to improve the aeration and the overall treatment efficiency.

This project also includes liquid sodium hypochlorite and liquid sodium bisulfate effluent disinfection systems with new chemical storage tanks, chemical feed pumps, induction mixers, automatic residual monitoring and control system with residual analyzers and sampling pumps. Also included are a new sludge dredge, two paved solar drying beds and a paved stockpile pad for a complete solids handling program to allow for the removal of accumulated solids from the treatment ponds and the chlorine contact chamber. Related upgrades to the electrical, instrumentation, and control systems are also a part of this project.

On September 26, 2007, the Department of Finance notified the chairs of the Joint Legislative Budget, the Senate Appropriations, and Assembly Appropriations Committees of its intent to establish the scope, cost, and schedule for this project at a State Public Works Board meeting no sooner than 30 days from that date. This contingent action is requested to ensure that the construction contract can be awarded prior to the award period expiring on November 1, 2007.

Funding and Project Cost Verification

This project is within cost.

\$7,533,000 total authorized project costs

\$7,533,000 total estimated project costs

\$988,000 project costs previously allocated: \$440,000 preliminary plans and \$548,000 working drawings

\$6,545,000 project costs to be allocated: \$6,545,000 construction (\$5,149,000 contracts, \$360,000 contingency, \$553,000 A&E, \$398,000 other project costs, and \$85,000 agency retained items)

CEQA

A Notice of Determination was filed with the State Clearinghouse on June 15, 2007 and the statute of limitations expired on July 16, 2007 without public comment.

Due Diligence

The Department of General Services prepared a Summary of Conditions Memo for this project on September 5, 2006 and it was noted that no significant issues were identified.

Project Schedule

The project schedule is as follows:

Complete construction: November 2008

Staff Recommendation:

Establish project scope, cost, and schedule contingent upon expiration of the 30-day notification period to the Joint Legislative Budget Committee without comment

OTHER BUSINESS

OTHER ITEM –

NONE.

REPORTABLES

To be presented at meeting.

Respectfully Submitted
By:

Greg Rogers
Administrative Secretary